THE COURTS.

THE BANK OF ENGLAND FORGERY.

Important Decision of United States Commismissioner Gutman-McDonnell To Be Extradited for Trial.

DR. BROWN'S ASSAULTING PRACTICE STOPPED

His Trial for the Assault on Murray, the Gas Company Collector-Verdict of Guilty-Remanded for Sentence.

THE MURPHY-BARRY HOMICIDE.

Refusal of the Supreme Court, General Term Judges to Interfere with the Verdict in the General Sessions-Extenuating Circumstances Appealing to Executive Clemency.

Old Dr. Brown, who some time since committed the murderous assault on Sandford E. Murray, the collector of the New York Gas Company, for the purpose, as was supposed at the time and is still neved, of robbing him of several hundred dollars he had in his possession, was tried vesterday before Judge Davis, in the Court of Oyer and Terminer. Be was found guilty upon both counts in the indict ment-on assault with intent to rob and on assault with intent to kill. He was remanded for sentence

In the Supreme Court, General Term, Judges Ingraham and Brady on the bench, a decision was rendered yesterday in the case of David Murphy convicted some thirteen months ago of the murder Court refuses to interiere with the verdict of the lower Court, but both Judges declare the circumstances of the case to be such as strongly to rec ommend the interposition of Executive clemency In Murphy's behalf.

Patrick Powers, boatswafn of the steamer On Rario, was yesterday committed by Commissioner nields, in default of \$1,000 bail, on a charge of having badly crushed the hand and arm of Frank Bilver, a sailor, by a blow of a crowbar while the wessel was off St. Thomas, on the 14th inst.

Yesterday a boy in the employment of the Continental Bank Note Company was charged, before Commissioner Shields, with stealing ten sheets of five-dollar bills, all complete except the signature. He admitted the offence, waived an examination, and was held in \$1,000 bail to await the

A writ of habeas corpus was granted yesterday by Judge Fancher, in the Supreme Court, Chambers, on application of counsel, for the production in Court, on the 30th inst., of George McDonnell, one of the alleged forgers on the Bank of England, who is now in custody of the United States Mar-Bhal awaiting the decision of Commissioner Gutman in the extradition proceedings. A copy of the writ has been served on Marshal Fisk.

THE BANK OF ENGLAND FORGERY.

The Case of George McDonnell-Commissioner Gutman's Decision-The Prisoner to Be Extradited.

United States Commissioner Joseph Gutman yes-terday rendered the subjoined decision in the case Rank of England, for whose extradition the Brit ish government has made a demand upon the United States. It will be seen that the decision is adverse to the prisoner:-

In stating the conclusion to which I am led by the evidence in the investigation, it is uniccessary for me to discuss again the competency of the testimony. It was as it was arranged piece by piece by the counsel conducting the prosecution, and contested fragment by fragment by the counsel for the accused with all the inexhaustible fertility of legal resource for which he is glistinguished. On a foreough re-examination of all the change my views as heretolore expressed, and I think that a wider scope of objection has been allowed by me to the defence in this case than has probably been here-holded the control of the counsel for the accused, on the close of the testimony, three legal propositions upon which his discharare is claimed, and it is proper that these should be disposed of by me before addressing my self to the question of allegal criminality as upon the evidence.

This subject was thoroughly discussed and passed upon by me on a motion made at an earlier stage of the proceedings. I see ne ground now for receding from the rule then asserted by me passed upon by me on a motion made at an earlier stage of the proceedings. I see ne ground now for receding from the rule then asserted by me passed upon by me on a motion made at an earlier stage of the proceedings. I see ne ground now for receding from the rule then asserted by me.

The reply to this is—First, the accused is not held by wirtue of the mandate, but under the warrant; second, this good the same offered.

The reply to this is—First, the accused is not held by wirtue of the mandate, but under the warrant; second, the issuance of the mandate will the provision of the accused of the first particular and the resource of a political act by the Executive, which the Commissioner things are struction upon the Executive's issuing as mandate is the provision of the act of August 21, 1845, its decirated that all such documents as known introduced shall be admitted and received for similar three to the properly and legally anthenticated. So in the properly a

TRIAL OF DR. BROWN.

The Assault on Gas Collector Murray Statement of the Affair as Told by Murray and the Doctor's Version-The Latter's Narrative Too Attenuated and a Verdict of Guilty Rendered Against

The public have not yet forgotten the particulars of the murderous assault committed on the 15th of last month on Sandford E. Murray, Collector of the New York Gas Company, by "Dr." E. M. Brown, at the latter's so-called medical dispensary, at 251 brought up for trial in the Court of Over and Ter miner before Judge Davis. In his case the respect due to age and gray hairs was wanting. There was

something altegether too repulsively forbidding in his expression to elicit any feeling of sympathy. His previous record—having spent a term in State Prison upon a charge of causing the death of a young lady through an abortion—did not help him any, and the facts of the assault on Mr. Murray, as detailed at the time, were of a character leaving no question of a doubt as to his being guilty of the grave charge preferred against him

leaving no question of a doubt as to his being guilty of the grave charge preferred against him. On his head were still visible marks of the punishment he received at the hands of his intended victim at the time of the assault. Mr. Murray was also present in court, and the only surprise was, considering the extent and nature of his injuries, that his life had ever been spared to tell the tale. He is by no means, however, entirely recovered yet, and still has to have his wounds bandaged. There were two counts against the Doctor—one of felonious assault with intent to rob, and the other of felonious assault with intent to kill.

Mr. Russell, Assistant District Attorney, briefly opened the case to the jury, and then called on Mr. Murray as the first witness. The latter testified that on the 15th of last April he called at Dr. Brown's office, 251 William street, to collect a gas bill, and as he had sat down to make change of a \$20 bill the Doctor made an assault on him with a hatchet and struck him twice on the head. Jumping to his feet he scized the hatchet from his assailant, and, after a short struggle, everpowered him and knocked him over on the foor. He had over five hundred dollars with him at the time.

Mr. Muldey, the landlord of the hease in which the affair occurred, testified that he met Murray as he came in, and went up stairs to get money to pay his own bill; upon his coming down he found the room of Dr. Brown locked and heard a row inside, which ended in the door being broken open, disclosing the Doctor on the floor and the complainant standing over him; the latter said that the Doctor had tried to murder him.

Officer Harris, of the Fourth precinct, testified to arresting the prisoner and taking him to the station house; both parties were subsequently conveyed to the hospital and their wounds dressed; he identified a hatchet and another instrument of assault—a short handle, with a two-edged knife blade fastened to the end of it—as having been in the doctor's room after the assault.

Dr. John A. Brady

scribed the wounds on his head; one of them on the back of the head was two and three-quarters of an inch in depth and was a very dangerous wound.

The above closed the testimony for the prosecution. After which Mr. George O. Mott, counsel for the prisoner, opened the case on his side and then called as the only witness for the defence the prisoner himself. He testried that he was born October 2, 1802, and had been a practising physician in this city for about twenty years; he treated all sorts of disease at his dispensary. About three o'clock in the afternoon of the 15th of last April a man whom he had never seen before called at his office for medical advice; he was busy compounding medicines and had not time to attend to him just then; in a few moments there was a rap at the door and this stranger said, "Doctor," I don't want anybody to see me; can you put me in a private room?" he told him to get behind a tail desk and then opened the door, when Mr. Murray came in; shook hands with Mr. Murray, they always having been on friendly terms, and said, "I suppose you have come alter your gas bill;" Mr. Murray said he had, and thereupon he went into a back room to get some money and as he re-entered the room he saw the stranger strike Murray twice on the head with something that looked like a tomahawk; he at once snatched a hatchet from a kindling-wood box and knocked the weapon out of the man's hand; the latter at once made his escape from the room; Mr. Murray turned on him and struck him on the head, helling him to the floor; kept telling him that it was not he who had assaulted him, but another man. This story, he said, was the truth, as God was his judge. On his cross-examination he did not deviate from this story. He asserted his innocence of the charge upon which he had spent a term in State Prison.

The opposing counsel briefly summed up, when the Judge charged the jury. After a few moments' consultation the foreman announced that they stood eleven for conviction of felonious assault with intent to rob, and

with a verdict of guilty.

Mr. Mott suggested that this verdict was not sufficiently specific.

Judge Davis said that it was not necessary to be more specific, as it was general and covered both

counts.

The prisoner was remanded till Monday for sentence. He took the matter evidently very coolly, and manifested no feeling as to the result.

CASE OF DAVID MURPHY.

Decision Upon the Appeal from the Verdict of Murder in the First Degree-Affirmation of the Verdict by the Supreme Court, General Term-Recom-

It is unnecessary to recite the particulars of the shooting and killing of David Barry by David Murphy in April of last year. As is well known, he was tried in the Court of General Sessions before Judge Bedford, convicted of murder in the first degree and sentenced to be hanged. The circumstances were of that peculiarly extenuating character that his counsel, Mr. William P. Howe, appealed from his counsel, Mr. William P. Howe, appealed from the verdict to the Supreme Court, General Term. The appeal was argued several days ago, before Judges Ingraham and Brady, on the case itself, without any exceptions, the circumstances being that Barry assaulted the prisoner in a drinking saloon and then went out, followed by the prisoner, who shot him. The General Term yesterday rendered a decision in the case, affirming the judgment of the Court below, General Term yesterday rendered a decision in the case, affirming the judgment of the Court below, both Judges delivering opinions. Judge Ingraham states that the Court cannot interfere with the verduct, there being some evidence to support it; but he most certainly, notwithstanding the affirmation of judgment, takes a most charitable view of the case, as he concludes his opinion as follows:—"While we think there is nothing in the case to justify this Court in reviewing the judgment, we feel bound to say that we think the elemency of the Executive may be properly exercised in commuting the sentence to such lesser degree as shall be thought proper on a review of the evidence." Judge Brady also concurs with the presiding Justice in his conclusions of law, but is frank to confess that while the testimony shows that a grave assault had been committed on the prisoner, raising doubts as to whether he had time to cool before committing the deed, he thinks that the offence might be more properly called manslaughter in the third degree.

BUSINESS IN THE OTHER COURTS.

UNITED STATES CIRCUIT COURT.

Judge Benedict sat in the United States Circuit Court yesterday and proceeded with the disposal of the criminal business.

Quashing Indictments.

The Judge announced that, with respect to the Indictment against Christian Zetta, he would grant the motion to quash it on the ground that three of the four counts did not charge any offence, and, with respect to the fourth count, there was strong presumption that it did not contain an allegation

presumption that it did not contain an allegation of any crime. The indictment must, therefore, be quashed in its present form.

In the case of Oscar F. Wainwright, who had been indicted for presenting a false and forged paper to a United States officer, Mr. Samuel G. Courtney, prisoner's counsel, had made a motion to quash the indictment. The prisoner, it was alleged, was accused of making a talse, forged and counterfeit paper, and presenting it to the District Attorney for the purpose of satisfying that official that he was good and sufficient bail. The Judge granted the motion to quash. It appeared that the paper presented to the District Attorney was a genuine one, but that its contents were not true. The Court ruled, under the statute, that the words "false, forged and counterfeit," were synonymous, and that, therefore, "false," meant "forged and counterfeit," Wainwright is in prison, and it is understood that another charge or indictment for alleged perjury will be preferred against him.

The Atlantic Bank Defalcation—The Case of Taintor.

Case of Taintor. Mr. John E. Burrill, counsel for Taintor, who is indicted for embezzing \$400,000, the property of the Atlantic National Bank, said that he owed it to the Court, as a matter of good faith, to have a day fixed for the trial. As the motion to quash the indictment was still under the consideration of the

dictment was still under the consideration of the Court, he supposed it would not be possible to go to trial with the case on Monday.

Mr. Bliss, United States District Attorney, having made some remarks in reply, stated that he would give Mr. Burrill a bill of particulars in half an hour, and that if he did not deem the particulars full enough he might ask, by affidavit, for tulier details, on the understanding that before making any request of that kind he should send copies of the amidavits to the District Attorney. The matter then dropped.

then dropped. Sending Obscene Literature Through the Mails-Conviction.

James Sullivan was put upon his trial for sending obscene literature through the mails. He was convicted and sentenced to one year's imprisonment and a fine of \$500.

The Argument Calendar. Judge Smalley will call the argument calendar in this Court on Tuesday next.

COURT OF OYER AND TERMINER.

or are went the usual large throng from asse

Penalty of Trying to Shoot One's Wife and Shooting a Man Instead-Arraignments and Picas. The sudden rise in the thermometer and conse quent discomforts of a crowded court room did

yesterday to witness the proceedings in the Court

HOW A WIPE'S LIFE WAS SAVED. James Byrnes was tried on a charge of feloni ssault with intent to kill Louis Rockwell. The evidence showed that on the 11th of last May the

evidence showed that on the 11th of last May the prisoner was in his own house with his wife and Rockwell. The latter owed Mrs. Byrnes some money, and was cautioned not to pay the money to her husband, as she had had an altercation with him. This enraged Byrnes, and, drawing a pistol, he fired at his wife, but, in his frenzy, he falled of his mark, and the ball unfortunately hit Rockwell. The defence was that he was showing the pistol and it went off accidentally.

Mr. Nolan, the counsel for the prisoner, endeavored to infuse a good deal of merriment into the case through his peculiar manner of conducting it; but the jury, as the result proved, took a sober view of the matter, and brought in a verdict of guilty. Judge Davis sent the prisoner to State Prison for five years. The prisoner was by no means satisfied. As he started to go away under the escort of an officer he twrned to the Judge and said, "You cutting the young the said, "You cutting the young the said."

Arraignments and Pleas. Arraignments and Pleas.

About twenty prisoners were arraigned to plead to the various indictments brought in against them by the present Grand Jury. All plead not guilty except Richard Connor, a youth, who plead guilty to larceny from the person in snatching a pocketbook from the hands of a lady. He was sent to the House of Refuge. The others were remanded for trial.

SUPREME COURT-GENERAL TERM.

By Judges Ingraham and Brady.
Fearing et al. vs. Royston.—Order reversed, with \$10 costs. Opinion by Judge Ingraham.
Gray, Receiver, vs. Schenck.—Same. Opinion by Judge Ingraham.
Cascini, et al. vs. Ree et al.—Judgment affirmed, with costs. Opinion by Judge Ingraham.
Brennan vs. The Mayor &c.: Cogan vs. Same;
Dolan vs. Same.—Verdict set aside and new trial ordered, costs to abide event. Opinion by Judge Ingraham.

ordered, costs to abde Ingraham.

Metropolitan Savings Bank vs. Wrightson.— Judgment reversed and new trial ordered, costs to abide event. Opinion by Judge Ingraham. By Judges Ingraham, Brady and Learned.

Miller vs. The Bank of Clyde.—Judgment re-versed and new trial ordered, costs to abide event. Opinion by all the Judges, Judge Ingraham dissent-

mg.

By Judges Ingraham and Davis.

Moss et al. vs. Huersted.—Judgment reversed and new trial ordered, costs to abide event. Opinion by Judge Davis.

SUPREME COURT-CHAMBERS.

Decisions.

By Judge Fancher.

Schultz vs. Wannecke.—On defendant filing a tipulation waiving any claim or cause of action because of the arrest an order will be granted vacating the order of arrest.

Meyers vs. Hanfield et al.—Order granted appoint-

ing receiver.
In Re Petition Ellen J. Long.—Memorandum for

counsel.

The People vs. Griffin & Green.—Motion for mandamus is denied, with \$10 costs.

Bolston vs. Sprague,—Report confirmed, judgment granted and allowance fixed.

By Judge Barrett,

Guntzer vs. Keilbach et. al.—Case and amendments settled.

SUPERIOR COURT-SPECIAL TERM.

By Judge Curtis.

By Judge Curtis.

Hermann vs. Hermann.—Application for a change of referee in the action denied.

Duckworth vs. Reed.—Motion to set aside judgment, &c., and open default denied.

Landon vs. Demme.—Motion for leave to file supplemental complaint granted.

Whittaker, Jr., vs. Stebbins.—Motion for a stay pending appeal granted.

Jessup et al. vs. Sturen.—Motion to restore cause denied, without prejudice to a renewal of motion before the Judge before whem it was partially tried.

Moses vs. Cohen.—Order dismission

Moses vs. Cohen.—Order dismissing complaint and judgment for defendant, with \$10 costs of motion.

Hamilton vs. The Third Avenue Railroad Company.—Order on remittitur reversing judgment and that a new trial be granted.

Sullivan vs, O'Hara.—Order granting motion on terms.

Ehlers vs. Ehlers.—Motion to confirm referee's report and for judgment of divorce denied; proofs insufficient.

COURT OF COMMON PLEAS-SPECIAL TERM. Decision.

By Judge J. F. Daly. Merchant vs. Horgan.—Motion granted on terms.

MARINE COURT-PART L Landlord's Liabilities for Repairs.

Before Judge Howland. Hartmann vs. Betjeman.—The wife of the plaintiff, in October last, lived with her husband in a tenement on First avenue, owned by defendant, and in going from the entrance to the dwelling part of the house to a store in the same building, on the 24th of that month, crossed the cellar doors lying immediately in her path, which gave way under her and precipitated her down some eight steps, one of the doors falling upon her, by reason of which she was seriously injured and laid up un-til the present time. The action is brought by the husband for loss of services and the cost of medical attendants, &c., damages being laid at \$1,000, the

husband for loss of services and the cost of medical attendants, &c., damages being laid at \$1,000, the jurisdiction of the Court. The physicians called testified that it was doubtful if the lady would ever entirely recover. Evidence was given to show the unsaie condition of the doors before the time of the action. Detendant's counsel sought to show a contract with one of the tenants to keep the doors in repair, which was disallowed. Defendant testified that he had the doors repaired from time to time, as he heard of their needing it, and also to there being a bar made for the door, which was found immediately after the accident-in the back of the cellar, and which was left out on this occasion through neglect of some of the tenants using the cellar, it was also showed that with this bar in the doors were comparatively safe. Defendant's counsel claimed that these doors, being within the space allotted for areas, could not be looked upon as the highway, and therefore defendant was not liable. The Court charged the sidewalk the defendant was bound to keep if in a perfectly safe condition, or put guards around it in case of any danger. The jury rendered a verdict in plaintiff's lavor for \$800. For plaintiff, Jacob Gross; for defendant, W. Pomeroy.

COURT OF GENERAL SESSIONS. Grand Larceny. Before Judge Sutherland.

Yesterday John Moore was tried and convicted of stealing a watch and \$54 in money from Charles Broglie on the 19th of January. He was sent to the State Prison for four years.

Alleged Outrage—Discharge of the Ac-

cused.

Robert Cummins, who was indicted for an alleged

outrage upon a little girl named Elizabeth Busse. was discharged upon his own recognizance. Assistant District Attorney Rollins and the Judge investi-gated this case and were perfectly satisfied that the complaint against the defendant was made from malicious motives by the mother of the little girl. Acquittals.

Alexander Reinert, who was charged with stealing, on the 29th of April, a trunk containing wearing apparel belonging to Ann Smeltzer, who occupied apartments at 244 West Twenty-seventh street, was tried and acquitted.

James Fitzsimmons, who was jointly indicted with three young men, named Mahoney, Cash and Caton, for an alleged felonious assault upon John Plunkett, in a stable owned by John Haberlin, in Mott street, on the 20th of April, was tried. A number of witnesses were sworn and it appeared from the testimony that all the part Fitzsimmons took in the quarrel was to strike Plunkett in the face with his nst at the time he was making an attack upon Caton. The jury rendered a verdict of not guilty. ing apparel belonging to Ann Smeltzer, who occu-

JEFFERSON MARKET POLICE COURT.

Grand Larceny. At the Jefferson Market Police Court yesterday,

before Justice Cox, a woman named Mary Allen was charged with stealing a quantity of diamond jewelry and money, all of the value of \$384, from Leopold L. Goldens, of 1,222 Broadway. The testimony showed that the prisoner had entered the back room of the complainant's store upon his invitation, and while there perpetrated the robbery. She was committed in default of \$1,000 to answer.

Youthful Burglars. On Thursday afternoon five boys were discovered by an officer coming from the premises 322 West Fourteenth street, through a grating which led to the sidewalk and had been forced open. Suspecting that a robbery was contemplated or had already been executed the officer of the contemplated or had already been executed the officer chased the boys, but only succeeded in arresting Thomas McGinnis, the others effecting their escape, McGinnis gave his age as twelve. It was found on searching the premises from which the boys had come that a quantity of lead pipe had been packed ready for removal. McGinnis, when taken before Justice Cox yesterday, pleaded not guirty, but was committed for trial in default of \$1,000 bail.

COURT CALENDAS-THIS DAY.

UNITED STATES DISTRICT COURT IN BANKRUPTCY POR VOLUNTARY CASES.—Nos. 3920, 3964, 3982, 3999, 4018, 4028, 4029, 4030, 4062, 4033, 4036, 4089, 4043, 4044, 4045, 4046, 4050, 4061, 4062. Argu-ment calendar—Nos. 2744, 3200, 3705

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM. Yesterday's Decisions.

By Judge Barnard.

H. D. McGovern vs. J. Anderson and Another.—
Judgment for plaintiff on demurrer; leave to defendant to answer in twenty days, on payment of
costs.

J. M. Trumbull vs. A. McKinley and Another.—
Judgment for plaintiff on demurrer. Leave to delendant to answer in twenty days, on payment of
costs.

Vollmer vs. M. Vollmer.-Report confirmed and judgment.

J. Welsh vs. J. Ormond.—Execution in Sheriff's hands before sale must be in order of priority or

hands before sale must be in order of priority of as received.

E. L. Sanderson vs. H. C. Bowen et al.—Judgment for plaintiff on demurrer, with leave to defendants to answer in twenty days, on payment of costs. Judgment for defendants on demurrer; leave to plaintiff to amend in twenty days, on payment of costs.

CITY GOURT—TRIAL TERM—PARK L.

The Brooklyn Ferry Company's Suit. Before Judge Neilson.

The jury, in the suit of John Berry vs. The Brook-The jury, in the suit of John Berry va. The Brooklyn Ferry Company, to recover for services as secretary and for the use of his office by the company,
yesterday rendered a verdict in favor of defendants. The amount claimed was \$16,000. The company claimed that the plaintiff was a stockholder
and director, and that there was no agreement
that he was to be pald for his services save by the
advantage accraing from his position as attorney
and counsel for the corporation.

CITY COURT-TRIAL TERM-PART 2. Dulaney's Failure.

Before Judge Reynolds. George Dulaney sued the Blees Sewing Machine Company to recover \$1,062 alleged to be due him Company to recover \$1,062 alleged to be due him as his salary as superintendent. The case was reported hit the Herald of yesterday. On the part of the company it was claimed that Dulaney employed insompetent men, and in consequence thereof they were damaged to the extent of \$5,000. A counter claim for that sum was presented. The jury were unable to agree upon a verdict, and were therefore discharged by Judge Reynolds.

CITY COURT-SPECIAL TERM. McHalpine, the Burglar. Before Judge McCue.

Assistant District Attorney Levi Farron appeared in Court yesterday to oppose the admission to bail of the desperate burglar, who was captured after a deadly struggle in the residence of Mr. after a deadly struggle in the residence of Mr. Dingee, corner of Myrtle and Clinton avenues. Counsellor Ridgeway asked that McHalpine be released on bail pending the examination before Justice Riley. Mr. Farron stated that the prisoner's real name was McCormack, and that he had already served two terms in State prison, from which institution he was discharged a few months since. Mr. Farron contended that as a rule Courts would not admit to ball parties charged with a felony.

since. Mr. Parron contended that as a rule Courts would not admit to ball parties charged with a felony.

Councesellor Ridgeway cited the cases of Dr. Look-up Evans and William M. Tweed, who were accused of felonies, but who were admitted to bail.

Judge McCue : emarked that the only question in the present case was whether to exercise such a discretion. If it was a fact that McHalpine had already served two terms in the State Prison he Judge McCue) thought the jail was the only place for him.

The prisoner, interrupting the proceedings, said, "I deny the statement, sir. I'm not the kind of a man they try to make me out."

Judge McCue intimated that if there were any doubt about it he would allow Mr. Farron a reasonable time to prove the truta of his assertions.

The case was then adjourned until Monday morning, the prisoner being remanded.

[Yesterday's Decisions.

By Judge McCue.

IYesterday's Decisions.

By Judge McCue.

By Judge McCue.

Joseph Fingleton vs. Thomas Harris et at.—The decree must pe drawn so as to provide—
First.—That'the defendant reconvey to the plaintiff the premises in question, upon repayment to him, the defendant, of the sum of \$1,000 and interest, and all other sums disbursed for taxes, assessments, interest and insurance and repairs, after making due allowance for the value of the use and occupation of said premises, and that a reference, if the parties "annot agree, be had, for the purpose of ascertaining said items.

Second—That it said plaintiff refuse to accept a reconveyance of said premises upon the aforesaid terms, that then the decree be made absolute as against the plaintiff dismissing his complaint.

Third—That if the delendant shall elect to ratify said contract and retain the title and possession, then the said defendant shall execute to the plaintiff a bond secured by mortgage on the said premises, to secure to the plaintiff the repayment of said sum of \$1,000 within one year from date, the interest on said sum of \$1,000 from May 1, 1872, to date of said mortgage to be paid in cash.

This decree to be entered without costs to either party.

Andrew S. Wheeler vs. John Gannon.—Judgment

party.

Andrew S. Wheeler vs. John Gannon.—Judgment against defendant, Gannon, with costs. No to be taxed as against the other defendants.

Interesting to National Guardsmen.

Before Judge Moore. Yesterday Judge Moore discharged Henry McKewen, who had been imprisoned in the Raymond Street Jail for non-payment of dues and fines as a member of the Forty-seventh regiment N. G. S. N. Y. It was held by the officers of the regiment that McKewen was a regularly enlisted member, and had falled to pay any dues or fines subsequent to his enlistment. A writ of habeas corpus was obtained from Judge Moore on application of General J. S. Catlin, and B. J. Yorke was appointed referee to inquire into the facts. McKewen claimed that his enlistment was obtained by false representation. On Tuesday last the referee submitted the testimony to Judge Moore, who yesterday rendered the following opinion: as a member of the Forty-seventh regiment N. G.

opinion:—
I have carefully read the testimony in this case, and have concluded that the prisoner must be discharged on the ground that there is very great doubt whether he was ever duly sworn to the enlistment papers. I think that the preponderance of testimony is that he was not regularly and duly sworn. Prisoner discharged.

May 23, 1873.

H. A. MOORE.

ALBANY, N. Y., May 23, 1873.
The following is the Court of Appeals day calenday for Monday, May 26:—Nos. 183, 187, 133, 134, 94, 137 and 128.

BOARD OF POLICE.

COURT OF APPEALS CALENDAR.

A President Elected and a Superintendent Appointed Yesterday-Hopes of the

The excitement that has so long prevailed in the neighborhood of the City Hall among local politicians was transferred to the Central Police Office yesterday. From an early hour in the morning crowds of hangers-on and followers gathered in the vicinity of the building. The cause of the unusual interest to many men was the expectation that the new Board would organize

cause of the unusual interest to many men was the expectation that the new Board would organize at an early hour and proceed at once with the business of making vacancies and appointments. It had been rumored that the movements of the Commissioners were clogged by legal difficulties and as soon as these were cleared away the business of getting into shape would be at once undertaken. These sensational stories only served to keep the office-seekers in subjects of conversation. They had no foundation whatever in lact, and only reached the ears of the Commissioners when they had gone the rounds of the cliques. One of the tales was to the effect that Mr. Henry Smith was in some difficulty about the presidency and there was uneasiness in the Board about the matter. Among

The Commissioners Themselves

there was no suspicion of anything of this kind. They made up their minds to elect him their president, and carried out the intention last evening. It was done not only as a mark of recognition for his long service but as a demonstration of the opinion of the Board as to his capability to fill the place. Mr. Smith did not seek the chair, because the duties of the position are very arduous and keep him almost constantly in the city. He seemed pleased, however, with this action of the other commissioners, and the Board entered upon its term of office last evening amid the most cordial good feeling all round. This augurs well for the future, and will, no doubt, be productive of much good. Commissioner Oliver Charlick was made Treasurer, and the other Commissioner Russell takes the one between it and that formerly occupied by Judge Bosworth, and General Duryee will use the room from which Judge Bosworth so reluctantly retired.

The GREAT QUESTION of the hour, after the announcement that the President was chosen, was the Superintendent. Friends an 1 partisans of each of the applicants for the office talked loudly in support of their candidates, and but few seemed to know with any certainty who the coming man would be. It wa

dacted his successor to the chair of office and con-gratulated him warmly upon his good fortune and success. These kindly offices were but coldly received by Mr. Matsell, and his man-ner in receiving them was anything but attractive to a stranger. The fact that Superin-tendent Kelso was dismissed and Superintendent

Matsell put back into his old place was at once telegraphed to the precincts all over the city, and at six o'clock the new regime was in full sway. Sleepy sergeants and lounging roundsmen had bet-ter look out now. New brooms have a reputation all their own and there is very probably a good deal of changing to be done the next couple of weeks.

AFFAIRS AT THE CITY HALL.

The Late "Army of Occupation" Reconnoitring the New Departments-Mr. Church Requests the Withdrawal of His Nomination-The Case of Cornelius Farley Under Investigation.

The City Hall was intensely dull yesterday. There was no meeting of either branch of the Common Council, no nominations made, very few talked about, and, in fact, very few people looking for them. All the interest appears to be centred in the Commissions just organized or in process of organization, and the small-fry politicians have, as a body, fitted away to Police Headquarters, Firemen's Hall, the Board of Health and the Commissioners of Charities and Correction. A few men lingered listlessly in the corridors and lounged about the Mayor's offices. Some of them wanted to see the Mayor and some didn't. A few of the Aldermen were about and one or two of the new Commissioners.

The most interesting item of news prevailing

The most interesting item of news prevailing was the fact that the Mayor received yesterday morning a letter written by Mr. Frederick E. Church to a friend, in which the writer requested his friend to call upon His Honor and request the Withdrawal. OF MR. CHURCH'S NAME as a nominee for Commissioner of the Department of Parks. This action on the part of Mr. Church is unquestionably prompted by the fact that his nomination had been discussed in so very unseemly a manner by certain members of the Board of Aldermen on Thursday. Mr. Church is the famous landscape painter, and residos principally at Hudson, Columbia county. The office of Fark Commissioner is not a salaried position, but some of the members of the Board of Aldermen made quite a tough onslaught on the nominee, on the ground that he was not a resident of this city, and that interests so especially dear to New Yorkers and the subject of so much pride to the city should be entrusted to a resident who would be able and willing to devote the necessary time and attention to the duties of the office. Had it not been for the strenuous efforts of some of the kindly disposed members of the Board Mr. Church's name would probably have been rejected, but THIS NEEDLESS AFFRONT to a worthy gentleman was happily averted. The Mayor was not prepared to state exactly what action he would take in regard to the letter, but there is no doubt that he will, at the meeting of the Aldermen on Thursday next, ask leave to withdraw the nomination and that his request will be acceded to by the Board.

Mr. Wilder, the Mayor's private secretary, yesterday heard statements in reference to the charges against Cornelius Farley, candidate for re-appointment as city marshal. Farley's nomination has been confirmed by the Board of Aldermen, but in consequence of a complaint made against him on affidavit the Mayor withheld the issuance of Farley's warrant.

consequence of a complaint made against him on affidavit the Mayor withheld the issuance of Farley's warrant.

INTECHARGE AGAINST HIM

IS that in January last, while in the discharge of his duty, after arresting a defendant on civil process, he offered to allow his prisoner to go to any hotel he chose for the night on condition that the prisoner would give him \$60 for his indulgence and pay expenses for the two at the hotel selected. The party had only \$10 about him and offered that, but his tender was spurned with indignation and the rates were lowered to \$23. The individual in custody found a friend who loaned him the desired \$13, and Mr. Farley, as is alleged, was paid his demand. On a subsequent occasion Farley arrested the same gentleman on another process in the same transaction, and being unable to meet the fees, he was locked up and subsequently released on \$600 bonds. According to the statement of the complainant Farley took possession of the bonds, and upon the order of the Court setting aside the bonds the complainant radied on Mr. Farley to obtain them, andasked for the \$400, which was directed to be returned. Farley abused him severely, so he says, and used the most indecent language towards him, and he had some trouble in obtaining the restoration of his bonds. As it appears, Farley had constituted himself the custodian of the bonds instead of paying them into Court.

MARSHAL FARLEY'S DEPENCE Is made up of "pooh-poohs," denials, shakes of the lead and "explanations." The Mayor holds the case under consideration. There is no doubt that Farley's case is not the only one that ought to be inquired into before the warrants are issued, as the power vested in a city marshal is a very arbitrary one and is often outrageously exerted.

A delegation of city officials from Boston called upon the Mayor yesterday to make some inquiries in reference to the operation of the new charter and other affairs pertaining to the municipal government. They were, of course, courteously received, and the Mayor gave them the

MARRIAGES AND DEATHS.

BROWN-PERBGO.—In New Orleans, La., on Wednesday, May 14, by the Rev. B. M. Palmer, John BROWN to CARRIE A., only daughter of the late John W. Perego.

DENISON-DAVISON.—On Tuesday, May 20, by the Rev. Dr. Thomas D. Anderson, at the First Baptist church, Park avenue and Thirty-ninth street, HENRY C. DENISON to Miss MILLIE DAVISON. All of of this city.

of this city.
Tirus—Storm.—On Thursday evening, May 22, by the Rev. Dr. Deems, Thomas J. Titus to Maria Putnam, daughter of the late John J. Storm.

Died.

AESCHIMANN.—On Thursday, May 22, Francoise Augustine Adelaide Aeschimann, aged 73 years, 3 months and 5 days.

The funeral service will take place on Saturday, the 24th, at one P. M., at the residence of her son, J. A. Aeschimann, 15 East Seventeenth street. The friends of the family are invited to attend, without further notice.

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ARTHUR.—At Marseilles, France, on Sunday, April 6, 1873, Edward Paul Arthur, of this city.

Relatives and friends of the family are invited to attend his funeral, at Trinity church, on Monday, 26th inst., at half past three o'clock P. M.

BARTON.—Suddenly, on Thursday, May 22, at Monigomery Place, Dutchess county, N. Y., of disease of the heart, Cora Livingston Barton, widow of Thomas P. Barton, and daughter of the late Edward Livingston.

Her funeral will take place on Monday, 26th inst., at twelve o'clock M., from St. Stephen's church, and the stephen's church, all the stephen's church at the stephen's church. Train leaves Hudson River Railroad depot at eight o'clock A. M.

Washington (D. C.), Philadelphia and Boston papers please copy.

BINSS - OF Friday May 23, OLIVIA JOSPHUNE

Washington (D. C.), Philadelphia and Boston papers please copy.

BINNS.—On Friday, May 23, OLIVIA JOSEPHINE, daughter of George and Emma Binns, in the 11th year of her age.

Relatives and friends are invited to attend the funeral on Sunday afternoon, May 25, at two o'clock, from 309 Hudson street.

BINSSE.—On Wednesday, May 21, DONATIEN BINSSE, aged 69 years and 3 days.

The relatives and friends of the family are respectfully invited to attend the funeral, at the church of St. Vincent de Paul, in Twenty-third street, near Sixth avenue, on Saturday, 24th inst., at nine o'clock P. M.

BUCKBEE.—On Friday morning, May 23, 1873, after a painful illness, Henry H. BUCKBEE, aged 68 years.

years.
The relatives and friends of the family are respectfully invited to attend the funeral services, from his late residence, 822 Greenwich street, on Sunday, 25th inst., at five o'clock P. M. His remains will be conveyed to Albany for interment. Albany papers please copy.

Buckley.—Ellen Buckley, the beloved daughter of Timothy J. and Catharine Buckley, a native of Banteer parish, county Cork, Ireland, aged 2 years and 24 days.

The relatives and friends of the family are most respectfully invited to attend the funeral, on Sun-

of Banteer parish, county Cork, Ireland, aged 2 years and 24 days.

The relatives and friends of the family are most respectfully invited to attend the funeral, on Sunday, May 25, at two o'clock P. M., from the residence of her parents, 434 Pearl street.

BURLEIGH.—On Wednesday, May 21, at Newtown, L. I., GEORGE BURLEIGH, aged 28 years.

Relatives and friends of the family are invited to attend his funeral, which will take place from his late residence. Newtown House, Newtown, L. I., on Saturday, May 24, at three o'clock P. M.

CARY.—At Jersey City Heights, on Priday morning May 23, after a short lilness, John P. Cary, aged 25 years, 4 months and 17 days.

The relatives and friends of the family are respectfully invited to attend the funeral, this (Saturday) morning, 24th inst., at nine o'clock, from the residence of Mr. John Murphy, Summit avenue, near the iron bridge. The remains will be taken to St. Joseph's church, where a solemn high mass of requiem will be offered up for the repose of his soul.

CASSIDY.—On Thursday, May 22, 1873, after a short but severe illness, MARY CASSIDY, in the 60th year of her age.

The relatives and friends are respectfully invited to attend the funeral, from her late residence, 415 Tenth avenue, on Saturday, May 24, at one o'clock. CLARK.—On Friday, May 23, at 170 Varick street, Marx, wife of Bernard Clark.

Notice of foneral in Sunday's papers.

COMER.—In this city, on Friday, May 23, MARY E. COMER. His city, on Friday, May 23, Mary E. COMER. His city, on Friday, May 23, the variety of the family are respectfully invited to attend the funeral, from the residence of her daughter, 91 Christopher street, on Sunday, May 25, at two o'clock P. M.

CONNELL.—On Thursday, May 22, Thomas Connell, aged 65 years and 5 months.

The relatives and friends of the family are respectfully invited to attend the funeral, iron the residence of her daughter, 91 Christopher street, on Sunday, May 25, at two o'clock P. M.

CONNELL.—On Thursday, May 22, Thomas Connell, aged 65 years and 5 months.

The

attend the funeral; also members of Puritan Lodge, F. and A. M., and members of the late Empire Engine Company No. 42, from St. Mark's church, Tenth street and Second avenue, on Saturday, May 24, at two o'clock P. M.

Daly.—At Westchester, on Thursday, May 22, Sarah A., wife of Winfield Daly and daughter of Elizabeth and Richard Canavan, aged 19 years, 8 months and 20 days.

The relatives and friends are invited to attend the inneral, on Sunday, May 25, from her late residence at Westchester, at two o'clock P. M.

Denker.—On Thursday, May 22, Eliza A., widow of William A. Decker and daughter of Joshua F. Brooks, Esq., aged 39 years.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 191 Powers street, Williamsburg, on Sunday, May 25, at ten A. M. The remains will be taken to Staten island for interment.

Denker.—On Friday morning, May 23, Alberet P., twin brother of Gibert H. Denke, aged 52 years.

The relatives and friends are invited to attend the funeral, from the residence of T. S. Denke, 506 Grand avenue, Brooklyn, on Sunday, May 25, at two o'clock P. M.

Duncan,—On Thursday, May 22, Marr, widow of

J. and Mary Ann Gardner, aged 23 years and 11 months.

The relatives and friends of the family are invited to attend the funeral, from East avenue Baptist church, Hunter's Point, on Sunday, May 25, at two o'clock P. M.

GOTT.—On Friday, May 23, WILLIAM O. GOTT, Jr., only son of William O. and the late Maggie H. Gott, in the 6th year of his age.

Relatives and iriends are invited to attend the funeral, from the residence of his uncle, Mr. John Merritt, 140th street, between Third and Alexander avenues, North New York, on Sunday, at two o'clock.

Adaire, county limerick, Ireland, in the 70th year of her age.

Relatives and friends are respectfully invited to attend the funeral, from the residence of her son-in-law, James E. Thompson, 22 Claremont avenue, Brooklyn, on Sunday, at two o'clock, thence to Calvary Cemetery.

HARAN.—On Wednesday, May 21, Annie HARAN, aged 16 years and 9 months, daughter of the late Michael and Margaret Haran, parish of Ahamlish, county Sige, Ireland.

The relatives and friends and those of her uncle, orner and friends and those of her uncle, the Haran, are respectfully invited to attend her funeral, this day (Saturday), from St. Andrew's church, corner of Duane street and City Hall place, where a solemn requiem mass will be offered up for the repose of her soul atten o'clock; thence to Calvary Cemetery for interment, at one o'clock precisely.

precisely.

Sligo papers please copy.

Helky.—On Thursday, May 22, Farnie H. Helry, ages 8 years and 19 days.

The funeral service will take place Saturday, the 24th, at two o'clock, from her mother's residence, 70 Eighth avenue. The relatives and friends of the family are invited to attend without further notice.

family are invited to attend without further notice.

Hiss.—On Thursday evening, May 22, Marcella, youngest daughter of Abraham and Emilia Hess, in the 16th year of her age.

The relatives and friends of the family are invited to attend the funeral, from the residence of her parents, 249 West Fertv-eighth street, on Sunday morning, at half-past nine o'clock.

The members of the Concregation Shaaral Teffia are hereby notified to attend the funeral of Marcella Hess on Sunday, the 25th inst., at half-past nine o'clock A. M., from the residence of her parents, 249 West Forty-eighth street.

KEENAN.—In Brooklyn. on Thursday, May 22, Patrick KEENAN, aged 66 years.

The relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, 516 Flushing avenue, on Sunday morning, at eleven o'clock. The remains will be taken to St. Patrick's church, Kent avenue, corner of Willoughby avenue, where a solemn mass of requiem will be offered for the repose of his soul, from thence to Calvary Cemetery for interment.

Kelleher.—On Thursday, May 22 after a long illness Margaret T., beloved wife of Timothy Kellegher.

The relatives and friends are invited to attend the funeral, from her late residence, 82 Third avenue, on Saurday, 41 inst., at one o'clock P. M.

nneral, from her late residence, 842 Third avenue, on Saturday, 24th inst., at one o'clock P. M. KNAPP.—On Thursday, May 22, John H. KNAPP, on of Elizanath Restick

year.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 52 Morrell street, corner of Varet street, Williamsburg, on Sunday, the 25th instant, at two o'clock P. M.

Williamsburg, on Sunday, the 25th instant, at two o'clock P. M.
PINCKNEY.—At Satilla Mills, Ga., on Priday, May 16, OSMAN PINCKNEY, of this city, in the 43d year of his age.

Relatives and friends are respectfully invited to attend the funeral, from the Baptist church on Fifty-fifth street, near Third avenue, on Sunday, 25th inst., at one o'clock. Burial in Woodlawn Cemetery. Special train from Grand Central depot at 2:45 P. M.

QUAINTANCE.—On Wednesday, May 21, 1873, at his residence, 310 West Fourteenth street, of pleuropneumonia, James W. QUAINTANCE, in the 25th year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, on Saturday, the 24th inst., at half-past two P. M. The remains will be interred at Saugerties, N. Y., on Sunday, the 25th inst.

Schnorder.—At Staten Island, on Thursday, May 22, after a short limess, August Schrodden, in the 42d year of his age.

Relatives and friends are respectfully invited to attend the funeral, from his late residence, Hannah street, Tompkinsville, on Sunday afternoon, at two o'clock. The remains will be taken to Greenwood Cemetery.

SMITH.—On Friday, May 23, Sabina Loftus, wife

October. The remains will be taken to Greenwood Cometery.

SMITH.—On Friday, May 23, SABINA LOFTUS, wife of George Smith, in the 40th year of her age, a native of Balina, county of Mayo, Ireland.

The funeral will take place from her late residence, 10 Rooseveit street, on Sunday, May 25, at one P. M.

one P. M.

TOMPKINS.—In Brooklyn, on Thursday, May 22,
ELEMZAR TOMPKINS, in the 75th year of his age.
Funeral from his late residence, 165 Fort Greene
place, on Saturday, 24th last, at three o'clock P. M.
TOTER.—On Friday, May 23, Chissis youngest
daughter of W. Wheeler, aged 30 years.
Friends are respectfully invited to attend the
funeral, from 1,024 Second ayenna, this (Saturday)
albernoon, at one-objects.

the funeral, from the residence of T. S. Denize, 306 Grand avenue, Brooklyn, on Sunday, May 25, at two o'clock P. M.

DUNCAN,—On Thursday, May 22, Mary, widow of Thomas Duncan, in the 55th year of her age.

Relatives and friends are invited to attend the funeral, from her late residence, 349 Madison street, on Sunday, 25th inst., at one o'clock.

DUNLAF.—On Thursday, May 22, EUPHERIA, wife of Robert Duniap, aged 67 years.

The relatives and friends of the family are respectfully invited to attend the funeral, from her late residence, 47 Charlton street, on Saturday 24th inst., at two o'clock P. M.

EDMONDS,—On Friday morning, May 23, WILLIAM EDMONDS, only surviving son of Thomas Edmonds, of this city, aged 45 years.

The relatives and friends of the family are respectfully invited to attend the funeral, from the residence of his father, 232 East Seventy-eighth street, on Monday, the 26th instant, at one o'clock P. M.

FAGNANI.—At his residence, 43 East Twelfth street, on Thursday, May 22, of acute pneumonia, Joseph FAGNANI, aged 53 years.

The relatives and friends, artists and members of the Union League Club are respectfully requested to attend the funeral at St. George's church, Stuyvesant square, at ten o'clock A. M., Saturday, May 24.

FINN.—On Thursday, May 22, 1873, Mrs. CATHERINE FINN, aged 53 years.

Her friends are requested to attend the funeral, on Sunday, May 25, at one o'clock P. M., from her late residence, 629 West Forty-second streety.

Gardner,—At Astoria, Long Island City, on Wednesday May 21, Julia W., daughter of Thomas J. and Mary Alm Gardner, aged 23 years and 11 months.

The relatives and friends of the family are invited.

o'clock.

HAIGHT.—At Havana, Cuba, May 10, after a short liness, Charles H., son of D. Henry Haight, in the 25th year of his age.

Notice of funeral hereafter.

HAND.—On Thursday evening, May 22, ALICE HAND, of Shannon Harbor, King's county, Ireland, The funeral will take place from 73 Hester street, on Saturday, May 24, at two o'clock, to Calvary Cemetery.

HANRAHAN.—On Thursday evening, May 22, AND HANRAHAN, relict of James Hanrahan, a native of Adaire, county Limerick, Ireland, in the 70th year of her age.

Relatives and friends are respectfully invited to

son of Elizabeth Bostick.

Relatives and friends of the family are requested to attend the funeral, on Sunday, at one o'clock P.

M. from 764 Eighth avenue.

LINDEMAN.—On Thursday, May 22, of scarletins, WILLIAM F., eldest son of Ferdinand and Therese.

E. Lindeman, aged 6 years and 7 months.

Funeral from the residence of his parents, 14

Fast Fourteenth street, on Saturday morning, at pine o'clock

E. Lindeman, aged 6 years and 7 months.

Funeral from the residence of his parents, 14
East Fourteenth street, on Saturday morning, at nine o'clook.

Lockwood,—On Thursday, May 22, 1873, MargaRETTE C. Lockwood, in the 64th year of her age.

The relatives and friends of the family are respecifully invited to attend the funeral, from the
residence of her son, Charles T. Atkinson, 358 West
Eleventh street, on Sunday afternoon, at half-past
one o'clook, without further invitation.

LOTT.—At Fiskhill Landing, on Wednesday, May
21, at the residence of Mrs. William C. Oakiey, Mrs.
SARAH LOTT., aged 75 years.

Puneral services on Sunday, 25th inst., at one
o'clock, from same place.

MEAD.—At the Navy Yard, California, on Tuesday, November 28, 1872, Paymaster George L.
MRAD, United States Navy.

The relatives and friends and those of his father,
George N. Mead, the officers of the Army and
Navy, and members of the Masonic fraternity, are
invited to attend the funeral, at Grace church,
Hicks street, Brooklyn Heights, on Tuesday afternoon, May 27, at three o'clock.

MEYENBORG.—In Brooklyn, William Edward,
Helds street, Brooklyn, William Edward,
years and 10 months.

The relatives and friends of the family, as well as
the members of Steuben Lodge, No. 133, 1, 0, 0, F.;
United Brothers' Lodge, No. 356, F. and A. M., and the
members of the Fliteenth battalion infantry, N. G.
S. N. Y., are respectfully invited to attend the funeral, from the residence of his parents, 42 North
Portland avenue, Brooklyn, on Monday, the 26th of
May, at two o'clock P. M.

MILLS.—On Friday, May 23, at the residence of
her husband, 519 Sixth avenue, Anna J., beloved
wife of T. E. Mills, actor.

MORGAN.—On Thursday, May 22, Marka L., wife of
John B. Morgan, in the 64th year of her age.

Relatives and friends are invited to attend the
funeral from her late residence, 232 West Twentysecond street, on Saturday, the 24th instant, at one
o'clock P. M.

Bangor (Me.) papers please copy.

McCoy.—On Friday, May 23, Edith, da